



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.

Governor

Thomas W. Easterly

Commissioner

May 14, 2010

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Mr. James F. Tolen
Peabody Midwest Mining, LLC
7100 Eagle Crest Boulevard, Suite 100
Evansville, Indiana 47715

Dear Mr. Tolen:

Re: Modification Request for
NPDES General Permit No. ING040038
IDNR Permit Nos. S-150, S-159, and S-335
Peabody Midwest Mining, LLC Somerville South Mine
(previously Black Beauty Coal Company Enterprise Mine)
8278 S. County Road 850 E.
Elberfeld, Indiana 47613
Gibson County

Your NPDES permit Notice of Intent applications received on December 21, 2009, on February 8, 2010, and on March 22, 2010 requesting modification of the above-referenced permit have been reviewed. The March 22, 2010 submittal requested that coverage be granted for new alkaline Outfalls 016 (latitude 38°, 13', 53", longitude 87°, 23', 12") 024 (latitude 38°, 13', 55", longitude 87°, 22', 03"), Outfall 030 (latitude 38°, 14', 00", longitude 87°, 21', 57"), Outfall 031 (latitude 38°, 14', 16", longitude 87°, 22', 41") 032 (latitude 38°, 14', 02", longitude 87°, 23', 29"), all discharging to Smith Fork of Pigeon Creek, and Outfall 037 (latitude 38°, 13', 20", longitude 87°, 21', 50"), discharging to Big Creek. The February 8, 2010 submittal requested that the mine drainage status of existing alkaline Outfall 004 be changed to reclamation. The December 21, 2009 submittal asked that the mine drainage status of existing Outfalls 011, 012, 013, 014, and 015 be changed from undetermined to alkaline. And finally, your letter dated March 15, 2010 requested that the name of the site be changed to Somerville South Mine.

The requests have been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has determined that the addition of the new outfalls will not affect Peabody Midwest Mining's Somerville South Mine's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities, nor will the additional outfall points affect the site's ability to meet the reporting requirements. Therefore your petition to add the new outfalls has been approved in accordance with Indiana Rules promulgated under 327 IAC 15-7. However the reporting requirements specified in 327 IAC 15-7 of the Indiana Administrative Code that specify when an outfall may be reclassified from an undetermined mine drainage status have not been met for existing Outfalls 011, 012, 013, 014, and 015. And our office has been informed by a representative of the Indiana Department of Natural Resources (IDNR) office in Jasonville, Indiana that existing Outfall 004 is still receiving some of its drainage from active areas of the mine, and therefore this outfall cannot be reclassified as reclamation status at this time. Therefore these requests for reclassifications of mine drainage status for the above-referenced existing outfalls are being denied. In addition, latitude and longitude coordinates for several existing outfalls that were discovered to be incorrect on previous correspondences, and in our office's databases, have been

Mr. James F. Tolen

Page 2

corrected. Coverage for the facility will now include all outfalls as listed on Attachment 1 to this correspondence.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. An additional form is attached to this letter for use with the new outfalls. You should duplicate it as needed. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

These modifications shall become effective on May 14, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on June 30, 2014. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

Attachments

cc: Gibson County Health Department

ATTACHMENT 1

Peabody Midwest Mining, LLC- Somerville South Mine

NPDES PERMIT NO. ING040038

EFFECTIVE DATE: May 14, 2010

IDNR PERMIT NUMBERS S- 0150, S- 0159, S- 0335

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	S-150 001	38°, 14', 10"	87°, 24', 18"	ALKALINE	Smith Fork of Pigeon Creek
002	S-150 002	38°, 13', 44"	87°, 24', 25"	RECLAMATION	Big Creek
004	S-159 004	38°, 12', 31"	87°, 23', 42"	ALKALINE	Big Creek
04A	S-335 04A	38°, 12', 45"	87°, 22', 20"	RECLAMATION	Big Creek
05A	S-335 05A	38°, 12', 28"	87°, 22', 37"	RECLAMATION	Big Creek
011	S-335 011	38°, 14', 06"	87°, 22', 41"	ALKALINE	Smith Fork of Pigeon Creek
012	S-335 012	38°, 13', 50.4"	87°, 21', 16.6"	ALKALINE	Smith Fork of Pigeon Creek
013	S-335 013	38°, 13', 50"	87°, 22', 37"	ALKALINE	Smith Fork of Pigeon Creek
014	S-335 014	38°, 13', 55"	87°, 22', 35"	ALKALINE	Smith Fork of Pigeon Creek
015	S-335 015	38°, 13', 49"	87°, 23', 01"	ALKALINE	Smith Fork of Pigeon Creek
016	S-335 016	38°, 13', 53"	87°, 23', 12"	ALKALINE	Smith Fork of Pigeon Creek
024	S-335 024	38°, 13', 55"	87°, 22', 03"	ALKALINE	Smith Fork of Pigeon Creek
030	S-335 SB-010	38°, 14', 00"	87°, 21', 57"	ALKALINE	Smith Fork of Pigeon Creek
031	S-335 SB-011	38°, 14', 16"	87°, 22', 41"	ALKALINE	Smith Fork of Pigeon Creek
032	S-355 SB-012	38°, 14', 02"	87°, 23', 29"	ALKALINE	Smith Fork of Pigeon Creek
037	S-335 SB-007	38°, 13', 20"	87°, 21', 50"	ALKALINE	Big Creek

The following outfalls have been removed and are no longer covered under this permit:

003	S-150 003	38°, 13', 30"	87°, 24', 39"	Outfall removed	Smith Fork of Pigeon Creek
03A	S-159 03A	38°, 57', 31.3"	87°, 24', 38.4"	Outfall removed	Big Creek
005	S-159 005	38°, 13', 22"	87°, 24', 31"	Outfall removed	Big Creek
006	S-159 006	38°, 56', 33.5"	87°, 17', 10.5"	Outfall removed	Big Creek
007	S-159 007	38°, 00', 20"	87°, 18', 10"	Outfall removed	Big Creek
008	S-150 008	38°, 00', 28"	87°, 18', 43.7"	Outfall removed	Big Creek
009	S-159 009	38°, 00', 41.6"	87°, 15', 20.5"	Outfall removed	Big Creek
010	S-159 010	38°, 01', 52.7"	87°, 17', 8.6"	Outfall removed	Big Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 5D -GP

DATE OF NOTICE: May 14, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

PEABODY MIDWEST MINING-SOMERVILLE SOUTH MINE, Permit No. ING040038, GIBSON COUNTY, Elberfeld, IN. This modification is being issued because the facility is adding several outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040038	Add outfalls 016 024, 030, 031, 032, and 037 as Alkaline Status Outfalls. Outfall 04A remains an Alkaline Status outfall

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			c. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
Peabody Midwest Mining, LLC. Attn: James F. Tolen			1211		Gibson		S-0150, S-0159, S-0335	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME Peabody Midwest Mining, LLC.			Latitude			Longitude		
STREET ADDRESS 7100 Eagle Crest Boulevard, Suite 100			Degrees	minutes	seconds	degrees	minutes	seconds
CITY Evansville,	STATE IN	ZIP CODE 47715	38°	13'	04"	87°	24'	43"
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Peabody Midwest Mining, LLC. – Somerville South Mine			Township	Range	Section	Quartersection		
			3S	9W	21, 22, 25- 28, 34-36			
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS 8278 South C.R. 850E			STREET ADDRESS N/A					
CITY Elberfeld	STATE IN	ZIP CODE 47613	CITY N/A	STATE N/A		ZIP CODE N/A		

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
James F. Tolen, Authorized Representative		N/A	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
(812) 434-8573		N/A	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
jftolen@peabodyenergy.com		N/A	

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME James F. Tolen Peabody Midwest Mining, LLC.		
a. CONTACT TELEPHONE NUMBER (812) 434-8573		d. STREET ADDRESS 7100 Eagle Crest Boulevard, Suite 100		
b. CONTACT EMAIL ADDRESS jftolen@peabodyenergy.com		e. CITY Evansville	f. STATE IN	g. ZIP CODE 47715
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		i. COMPANY AND CONTACT PERSON NAME James F. Tolen		
h. CONTACT TELEPHONE NUMBER (812) 434-8573		k. STREET ADDRESS 7100 Eagle Crest Boulevard, Suite 100		
j. CONTACT EMAIL ADDRESS jftolen@peabodyenergy.com		l. CITY Evansville	m. STATE IN	n. ZIP CODE 47715
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. COMPANY AND CONTACT PERSON NAME N/A		
N/A				
o. CONTACT TELEPHONE NUMBER N/A		r. STREET ADDRESS N/A		
p. CONTACT EMAIL ADDRESS N/A		s. CITY N/A	t. STATE IN	u. ZIP CODE 47715

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) **YES** ☒ **NO** ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

The outfalls are from surface coal mine sediment basin with either open channel spillways or spillpipes. These basins are designed to collect affected area drainage from the mining operation and provide the necessary retention for the purpose of insuring compliance with applicable effluent limits.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment VI									Y / N		
									Y / N		
									Y / N		
									Y / N		

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please note: There are no new potentially Affected Parties in this application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$ 50.00 is attached to this application.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

I have forwarded a copy of this application as is required to Mr. Clay Dayson, Indiana Department of Natural Resources, Division of Reclamation, R. R. 2, Box 129, Jasonville, IN 47438-9517 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

James F. Tolen, Authorized Representative

(812) 434-8573

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Attachment VI

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if it is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001 S-0150	38	14	10	87	24	18	0	Alkaline	N	Smith Fork of Pigeon Creek
002	002 S-0150	38	13	44	87	24	25	0	Reclamation	N	Big Creek
003	003 S-0150	38	13	30	87	24	39	0	Dropped	N	Smith Fork of Pigeon Creek
004	004 S-0159	38	12	31	87	23	42	0	Alkaline	N	Big Creek
004A	04A S-0335	38	12	45	87	22	20	0	Alkaline	N	Big Creek
005	005 S-0159	38	13	22	87	24	31	0	Dropped	N	Big Creek
005A	05A S-0335	38	12	28	87	22	37	0	Reclamation	N	Big Creek
003A	03A S-0159	38	57	31.3	87	24	38.4	0	Dropped	N	Big Creek
006	006 S-0159	38	56	33.5	87	17	10.5	0	Removed	N	Big Creek
007	007 S-0159	38	00	20	87	18	10	0	Dropped	N	Big Creek
008	008 S-0150	38	00	28	87	18	43.7	0	Dropped	N	Big Creek
009	009 S-0159	38	00	41.6	87	15	20.5	0	Dropped	N	Big Creek
010	010 S-0159	38	01	52.7	87	17	08.6	0	Dropped	N	Big Creek
011	001 S-0335	38	14	06	87	22	41	0	Alkaline	N	Smith Fork of Pigeon Creek
012	002 S-0335	38	13	50.4	87	21	16.6	0	Alkaline	N	Smith Fork of Pigeon Creek
013	003 S-0335	38	13	50	87	22	37	0	Alkaline	N	Smith Fork of Pigeon Creek
014	014 S-0335	38	13	55	87	22	35	0	Alkaline	N	Smith Fork of Pigeon Creek

015	015 S-0335	38	13	49	87	23	01	0	Alkaline	N	Smith Fork of Pigeon Creek
016	016 S-0335	38	13	53	87	23	12	0	Alkaline	N	Smith Fork of Pigeon Creek
024	024 S-0335	38	13	55	87	22	03	0	Alkaline	N	Smith Fork of Pigeon Creek
030	SB-010 S-0335	38	14	00	87	21	57	0	Alkaline	N	Smith Fork of Pigeon Creek
031	SB-011 S-0335	38	14	16	87	22	41	0	Alkaline	N	Smith Fork of Pigeon Creek
032	SB-012 S-0335	38	14	02	87	23	29	0	Alkaline	N	Smith Fork of Pigeon Creek
037	SB007 S-0335	38	13	20	87	21	50	0	Alkaline	N	Big Creek

Attachment VII

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:				
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
016	016 S-0335	ADD	04/01/2010	Outfall 016 was constructed as an Alkaline Status Outfall.
04A	04A S-0335	NO CHANGE	04/01/2010	Sediment basin 04A is to remain an Alkaline Status Outfall.
024	SB-24 S-0335	ADD	04/01/2010	Outfall 024 is added as an unconstructed Alkaline Status Outfall.
030	SB-010 S-0335	ADD	04/01/2010	Outfall 030 is added as an unconstructed Alkaline Status Outfall.
031	SB-011 S-0335	ADD	04/01/2010	Outfall 031 is added as an unconstructed Alkaline Status Outfall.
032	SB-012 S-0335	ADD	04/01/2010	Outfall 032 is added as an unconstructed Alkaline Status Outfall.
037	SB-007 S-0335	ADD	04/01/2010	Outfall 037 is added as an unconstructed Alkaline Status Outfall.